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Attorney Docket: 2060CIP2  
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## DECLARATION AND POWER OF ATTORNEY FOR UTILITY PATENT APPLICATION

#3

As below named inventors, we hereby declare that:

Our residence, post office address and citizenship are as stated below, next to our names,

We believe that we are the first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled

### **DIGITAL FILE MARKETPLACE**

the specification of which

     is attached hereto.

X was filed on December 27, 2001, and Assigned Serial No. 10/032,751.

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. We do not know and do not believe that the same was ever known or used in the United States of America before my invention thereof, or patented or described in any printed publication in any country before my invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, and said invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by us or our legal representatives or assigns more than twelve months prior to this application.

We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56 (a).

We hereby claim foreign priority benefits under Title 35, United States Code, Section 119, of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

#### Prior Foreign Application(s)

#### Priority Claimed

<u>        </u> (Number)	<u>        </u> (Country)	<u>        </u> (Day/Month/Year Filed)	<u>        </u> Yes	<u>        </u> No
<u>        </u> (Number)	<u>        </u> (Country)	<u>        </u> (Day/Month/Year Filed)	<u>        </u> Yes	<u>        </u> No

We hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>60/277,787</u> (Application Serial No.)	<u>March 21, 2001</u> (Filing Date)	<u>Pending</u> (Status -- patented, pending, abandoned)
<u>09/963,812</u> (Application Serial No.)	<u>September 26, 2001</u> (Filing Date)	<u>Pending</u> (Status -- patented, pending, abandoned)

We hereby appoint Joseph A. Sawyer, Jr., Reg. No. 30,801; Stephen G. Sullivan, Reg. No. 38,329; Janyce R. Mitchell, Reg. No. 40,095; Michele Liu, Reg. No.: 44,875; and Joyce A. Tom, Reg. No. P48,681 of **SAWYER LAW GROUP LLP, located at 2465 E. Bayshore Rd., Suite 406, Palo Alto, California 94303, telephone (650) 493-4540**, as our attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Address all telephone calls to **Stephen G. Sullivan** at telephone number **(650) 493-4540** and all correspondence to:

**SAWYER LAW GROUP LLP  
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Palo Alto, California 94303**

We hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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2/12/02

Date

Vijay Vaidyanathan

Signature

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Country of Citizenship: **United States of America**

2/12/02

Date

Christopher Allin Kitze

Signature